

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ARISTA RECORDS LLC; ATLANTIC
RECORDING CORPORATION; ARISTA
MUSIC, fka BMG MUSIC; CAPITOL
RECORDS, INC.; ELEKTRA
ENTERTAINMENT GROUP INC.;
INTERSCOPE RECORDS; LAFACE
RECORDS LLC; MOTOWN RECORD
COMPANY, L.P.; PRIORITY RECORDS LLC;
SONY MUSIC ENTERTAINMENT, fka SONY
BMG MUSIC ENTERTAINMENT; UMG
RECORDINGS, INC.; VIRGIN RECORDS
AMERICA, INC.; and WARNER BROS.
RECORDS INC.,

Plaintiffs,

v.

LIME GROUP LLC; LIME WIRE LLC; MARK
GORTON; and M.J.G. LIME WIRE FAMILY
LIMITED PARTNERSHIP,

Defendants.

ECF Case

06 CV 5936 (KMW)(DF)

DECLARATION OF RITA D. MITCHELL

I, RITA D. MITCHELL, hereby declare as follows:

1. I am admitted to practice before this Court and am associated with the law firm of Willkie Farr & Gallagher LLP ("Willkie Farr"), counsel of record for Lime Group LLC, Lime Wire LLC, Mark Gorton, and M.J.G. Lime Wire Family Limited Partnership (collectively, "Defendants") in the above-captioned action. I submit this Declaration in support of Defendants' Motion for Partial Summary Judgment on the Issue of Prior Judgments Against Direct Infringers.
2. Attached hereto as Exhibit 1 is a true and correct copy of the February 23, 2011 Declaration of Rita D. Mitchell in Support of Defendants' Motion for Partial Judgment on the

6451667.1

Issue of Prior Judgments Against Direct Infringers (“Mitchell 12(c) Decl.”) and its accompanying Exhibits 1 through 6.

3. Attached hereto as Exhibit 2 is a true and correct copy of the March 1, 2011 Reply Declaration of Rita D. Mitchell in Support of Defendants’ Motion for Partial Judgment on the Issue of Prior Judgments Against Direct Infringers (“Mitchell 12(c) Reply Decl.”) and its accompanying Exhibit 1.

4. Attached hereto as Exhibit 3 is a true and correct copy of the complaint in *Atlantic Recording Corp. v. Balzer*, No. 2:06-CV-02244 (D. Ariz.).

5. Attached hereto as Exhibit 4 is a true and correct copy of the judgment in *Atlantic Recording Corp. v. Balzer*, No. 2:06-CV-02244 (D. Ariz.).

6. Attached hereto as Exhibit 5 is a true and correct copy of the complaint in *Elektra Entm’t Grp. Inc. v. Bentley*, No. 5:06-cv-009780W (W.D. Okla.).

7. Attached hereto as Exhibit 6 is a true and correct copy of the judgment in *Elektra Entm’t Grp. Inc. v. Bentley*, No. 5:06-cv-009780W (W.D. Okla.).

8. Attached hereto as Exhibit 7 is a true and correct copy of the complaint in *UMG Recordings, Inc. v. Blevins*, No. 06-248 (S.D. Ala.).

9. Attached hereto as Exhibit 8 is a true and correct copy of the judgment in *UMG Recordings, Inc. v. Blevins*, No. 06-248 (S.D. Ala.).

10. Attached hereto as Exhibit 9 is a true and correct copy of the complaint in *Warner Bros. Records Inc. v. Brown*, No. C 06 0406 (N.D. Cal.).

11. Attached hereto as Exhibit 10 is a true and correct copy of the judgment in *Warner Bros. Records Inc. v. Brown*, No. C 06 0406 (N.D. Cal.).

6451667.1

12. Attached hereto as Exhibit 11 is a true and correct copy of the complaint in *Atlantic Recording Corp. v. Corley*, No. 2:06-cv-00417 (N.D. Ala.).

13. Attached hereto as Exhibit 12 is a true and correct copy of the judgment in *Atlantic Recording Corp. v. Corley*, No. 2:06-cv-00417 (N.D. Ala.).

14. Attached hereto as Exhibit 13 is a true and correct copy of the complaint in *Capitol Records, LLC v. Devers*, No. 2:08-cv-394-LJM-WGH (S.D. Ind.).

15. Attached hereto as Exhibit 14 is a true and correct copy of the judgment in *Capitol Records, LLC v. Devers*, No. 2:08-cv-394-LJM-WGH (S.D. Ind.).

16. Attached hereto as Exhibit 15 is a true and correct copy of the complaint in *Warner Bros. Records, Inc. v. Dutton*, No. CIV-06-539-C (W.D. Okla.).

17. Attached hereto as Exhibit 16 is a true and correct copy of the judgment in *Warner Bros. Records, Inc. v. Dutton*, No. CIV-06-539-C (W.D. Okla.).

18. Attached hereto as Exhibit 17 is a true and correct copy of the complaint in *Warner Bros. Records Inc. v. Stephens*, No. 1:06-CV-955 (M.D. N.C.).

19. Attached hereto as Exhibit 18 is a true and correct copy of the judgment in *Warner Bros. Records Inc. v. Stephens*, No. 1:06-CV-955 (M.D. N.C.).

20. Attached hereto as Exhibit 19 is a true and correct copy of the complaint in *Capitol Records, Inc. v. Berke*, No. 1:07-cv-03762 (N.D. Ohio).

21. Attached hereto as Exhibit 20 is a true and correct copy of the judgment in *Capitol Records, Inc. v. Berke*, No. 1:07-cv-03762 (N.D. Ohio).

22. Attached hereto as Exhibit 21 is a true and correct copy of the complaint in *Elektra Entm't Grp. Inc. v. Channer*, No. 0:08-cv-61023 (S.D. Fla.).

6451667.1

23. Attached hereto as Exhibit 22 is a true and correct copy of the judgment in *Elektra Entm't Grp. Inc. v. Channer*, No. 0:08-cv-61023 (S.D. Fla.).

24. Attached hereto as Exhibit 23 is a true and correct copy of the complaint in *Capitol Records, Inc. v. Chun*, No. 06CV2725 (N.D. Ill.).

25. Attached hereto as Exhibit 24 is a true and correct copy of the judgment in *Capitol Records, Inc. v. Chun*, No. 06CV2725 (N.D. Ill.).

26. Attached hereto as Exhibit 25 is a true and correct copy of the complaint in *Sony BMG Music Entm't v. Gray*, No. 4:07-CV-04854 (N.D. Cal.).

27. Attached hereto as Exhibit 26 is a true and correct copy of the judgment in *Sony BMG Music Entm't v. Gray*, No. 4:07-CV-04854 (N.D. Cal.).

28. Attached hereto as Exhibit 27 is a true and correct copy of the complaint in *UMG Recordings, Inc. v. Lowry*, No. 1:04-cv-1200 (S.D. Ind.).

29. Attached hereto as Exhibit 28 is a true and correct copy of the judgment in *UMG Recordings, Inc. v. Lowry*, No. 1:04-cv-1200 (S.D. Ind.).

30. Attached hereto as Exhibit 29 is a true and correct copy of the complaint in *Atlantic Recording Corp. v. Perez*, No. 0:07-cv-61810 (S.D. Fla.).

31. Attached hereto as Exhibit 30 is a true and correct copy of the judgment in *Atlantic Recording Corp. v. Perez*, No. 0:07-cv-61810 (S.D. Fla.).

32. Attached hereto as Exhibit 31 is a true and correct copy of the complaint in *BMG Music v. Quinlan*, No. 3:07-cv-30162 (D. Mass.).

33. Attached hereto as Exhibit 32 is a true and correct copy of the judgment in *BMG Music v. Quinlan*, No. 3:07-cv-30162 (D. Mass.).

6451667.1

34. Attached hereto as Exhibit 33 is a true and correct copy of the complaint in *Arista Records LLC v. Ward*, No. 3:06-cv-00802 (D. Conn.).

35. Attached hereto as Exhibit 34 is a true and correct copy of the judgment in *Arista Records LLC v. Ward*, No. 3:06-cv-00802 (D. Conn.).

36. Attached hereto as Exhibit 35 are true and correct copies of a January 25, 2011 letter from Melinda E. LeMoine to Todd G. Cosenza and an attached updated and revised Schedule A.

37. Attached hereto as Exhibit 36 are true and correct copies of a February 8, 2011 email from Jonathan Blavin to Tariq Mundiya and others and an attached list including sound recordings to be removed from the revised Schedule A.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 18, 2011.


Rita D. Mitchell